

## REMARKS/ARGUMENTS

### **Claim Status**

Claims 1-36, 39 and 40 are pending. Claims 1, 5, 12-13, 15, 19-23, 25, 27 and 32-33 are currently amended. Claims 41-42 are added. Claim 1 is amended to specify a “deoiling” in the treatment section. This amendment finds support in the specification; pg. 11, lines 10-15. Claims 5, 12-13, 15, 19-23, 25, 27 and 32-33 are amended for clarity and grammatical purposes. New claim 41 finds support in original claim 5. New claims 42-44 find support in the specification; col. 9, line 46. No new matter has been added.

### **Rejections**

Claims 1, 4, 10, 11, 16, 17, 21-24 and 29-32 are rejected under 35 U.S.C. 102(b) as anticipated by Nolley (US 4, 124,486).

Claims 1-3, 5-9, 16, 17, 19-36, 39 and 40 are rejected under 35 U.S.C. 103(a) as being obvious over Taylor (US 5,124, 026). Alternatively, claims 1-3, 5-9, 16, 17, 19-36, 39, and 40 are rejected under 35 U.S.C. 103(a) as being obvious over Taylor as evidenced by Nolley (US 4, 124,486), Coleman (US 3,816,295), and Yan (US 4334,976).

Applicants thank Examiner Boyer for the indication of allowable subject matter of claims 12-15 and 18.

In the outstanding Office Action the Office stated that Applicants previous arguments failed to comply with 37 CFR 1.11(b) because they did not specifically point out how the language of the claims patentably distinguished them from the references. The Office specifically argued that Applicant’s “treatment section” provides “for separation of the product into a solid fraction and a liquid fraction from which said solvent can be subsequently removed” (Official Action, pg. 10, p. 39). The Office argues that section 30 of

Nolley accomplishes all of the intended functions of the “treatment section” of Applicant’s claims.

However, claim 1 has been currently amended to recite that “a fraction of the stream containing asphaltenes, coming from the deasphalting section (SDA), called flushing stream, is sent to a treatment section for deoiling with added solvent for the separation of the product into a solid fraction and a liquid fraction from which said solvent can be subsequently removed.” Nolley discloses a simple separation by flash to separate solvent added in the preceding dasphalting step. This is distinct from the deoiling of amended claim 1, and Nolley does not disclose or suggest such a deoiling. On this basis alone, the rejection cannot be sustained.

Furthermore, Nolley discloses adding the solvent to the concentrated deasphalted stream exiting the deasphalting section, not to a fraction of the deasphalted stream comprising asphaltenes (See claim 1). Accordingly, Applicants request withdrawal of the anticipation rejection.

Taylor, used alone or in combination with Nolley, Coleman and Yan, similarly fails to present a *prima facie* case against the pending claims. Specifically, Taylor, like Nolley, fails to disclose deoiling of a fraction of the stream containing asphaltenes by addition of a solvent. Moreover, Taylor is further distinguishable over the present invention in view of the following. The Office argues that “Taylor clearly suggests taking the asphaltene fraction from the deasphalting section and contacting with a solvent so as to effect a separation of solid fraction and liquid fraction.” (Office Action, pg. 11, line 40). However, in Taylor, the solvent is added in the deasphalting section (see figure 1, line 140; col. 10, line 67 - col. 11, lines 2) not to the stream containing asphaltenes from which it is subsequently removed (col. 11, lines 12-16). Accordingly, in addition to not disclosing deoiling by addition of a solvent,

Taylor does not disclose the addition of solvent to an asphaltene fraction. Coleman and Yan similarly fail to disclose or suggest such a process, and thus cannot supply the critical missing elements necessary for the formation of a *prima facie* case. As such, the rejection should be withdrawn.

With respect to claims 5-6, Applicants note that Nolley and Taylor do not disclose using an aromatic solvent. Rather, Nolley discloses isobutene as a “hydrocarbon-selective solvent” (col. 9, lines 47-48; col. 4, lines 55-59). Similarly, Taylor discloses a “non-aromatic hydrocarbon” (col. 6, lines 2-5). Accordingly, claims 5-6 are further distinguishable over Nolley alone, or in combination with Taylor.

Accordingly, and in view of the above clarifying amendments and remarks, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections and the passage of this case to Issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Anne L. St. Martin  
Attorney of Record  
Registration No. 65,779

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)